

**PROTECTION and ADVOCACY for BENEFICIARIES of SOCIAL SECURITY  
(PABSS)**

**ANNUAL PROGRAM PERFORMANCE REPORT**  
(revised December 2005)

**REPORTING PERIOD:** From 12/1/2004 To 11/30/2005

**GRANT AWARD NUMBER:** 17-A-20051

**STATE:** Virginia

**AGENCY NAME:** Virginia Office for Protection  
and Advocacy

**AGENCY ADDRESS:** 1910 Byrd Avenue, Suite 5  
Richmond, Virginia 23230

**REPORT PREPARED BY:** Sherry Confer

**TELEPHONE NUMBER:** (804) 225-2042

**FAX NUMBER:** (804) 662-7057

**E-MAIL ADDRESS:** Sherry.Confer@vopa.virginia.gov

**DATE SUBMITTED:** December 30, 2005

## **ANNUAL PABSS PROGRAM PERFORMANCE REPORT**

### **PART I – CLIENT STATISTICS FOR CURRENT REPORTING PERIOD**

#### **Section A: Information and Referral**

**Annual**

|  |     |
|--|-----|
| 1. How many <u>individuals</u> received Information and Referral under the PABSS program during the reporting period? <i>(Do not count individuals more than once for this response.)</i>  | 390 |
| 2. How many Information and Referral <u>requests</u> were made under the PABSS program during the reporting period? (Include all service requests, even if more than one for some clients. This number should equal or exceed Sec A. 1.) | 400 |

#### **Section B: Individuals Served and Service Requests**

|   |    |
|---|----|
| <b>1. Individuals</b>   |    |
| a. How many individuals had open PABSS cases/client records at the start of the reporting period? <i>(Do not count individuals more than once for this response.)</i> | 24 |
| b. How many new PABSS individuals were added during the reporting period? <i>(Do not count individuals more than once for this response.)</i>                         | 5  |
| c. Total individuals served during the reporting period under the PABSS program. (a + b)  | 29 |
| d. Total number of individuals with cases that were closed during the reporting period under the PABSS program?   | 29 |
| e. Total number of individuals still being served at the end of the reporting period? (c - d)   | 0  |

|  |    |
|--|----|
| <b>2. Services</b>   |    |
| a. Total PABSS issues / service requests open the start of the report period.    | 25 |
| b. Number of new PABSS issues / service requests added during the report period? | 6  |

|   |    |
|---|----|
| c. Total number of issues/ service requests during the report period? (a + b)             | 31 |
| d. Total number of issues/ service requests closed during the report period?              | 31 |
| e. Total number of issues/ service requests open at the end of the report period? (c – d) | 0  |

### **Section C: Client Demographics**

#### **1. Please provide counts of individuals served by Gender:**

|  |    |
|--|----|
| a. Male  | 13 |
| b. Female  | 16 |
| c. Total individuals served.<br>(Must equal count from Part I Section B-1c above.) | 29 |

#### **2. Please provide counts of individuals served by Ethnicity:**

|  |    |
|--|----|
| a. Alaskan Native  |    |
| b. American Indian   |    |
| c. Arab American (middle eastern)  | 1  |
| d. Asian   |    |
| d. Black (Not Hispanic/Latino Origin)  | 11 |
| e. Hispanic/Latino   | 1  |
| f. Multi racial / multi cultural   |    |
| g. Pacific Islander  |    |
| h. White (Not Hispanic/Latino Origin)  | 16 |
| i. Other   |    |
| j. Unknown   |    |
| k. Total individuals served.<br>(Must equal count from Part I Section B-1c above.) | 29 |

#### **3. Please provide counts of individuals served by Age Bracket:**

|   |    |
|---|----|
| a. 14 to 18   | 1  |
| b. 19 to 21   |    |
| c. 22 to 40   | 5  |
| d. 41 to 59   | 22 |
| e. 60 to 64   |    |
| f. 65 and over (Please attach explanation including age of client at the time of intake.)                   | 1  |
| g. Total individuals served. (includes 1 age unknown)<br>(Must equal count from Part I Section B-1c above.) | 29 |

**4. Please provide counts of individuals served by Beneficiary Status:**

|  |    |
|--|----|
| <b>a. SSI eligible</b>   | 11 |
| <b>b. SSDI eligible</b>  | 15 |
| <b>c. Dually eligible</b>  | 3  |
| <b>d. Total individuals served.<br/>(Must equal count from Part I Section B-1c above.)</b> | 29 |

**5. Please provide counts of all PABSS service requests by major source of client's concern for the current report period. [This can include an adverse agency (a, b, c, d, g) or an issue requiring PABSS assistance]:**

|  |    |
|--|----|
| <b>a. State Vocational Rehab Agency (public VR program)</b>  | 9  |
| <b>b. vocational services - Employment Networks (SSA contractor)</b>   | 1  |
| <b>c. vocational / employment preparation or training services - other agency such as a OneStop, Community Rehab Program (ie UCP, ARC, JEVS), sheltered workshop, community or other college, etc.</b> |    |
| <b>d. Employment discrimination</b>  | 2  |
| <b>e. Employment wages and benefits (ie. Workers Compensation, health insurance, disparate wages, etc.)</b>  | 1  |
| <b>f. Need for benefits planning</b>   | 4  |
| <b>g. Insufficient/improper benefits planning</b>  | 5  |
| <b>h. Transition services (Student beneficiary between 14-18 (or under age 22) engaging/needing a transition plan)</b>   | 1  |
| <b>i. Assistive Technology</b>   |    |
| <b>j. Transportation</b>   |    |
| <b>k. Social Security benefits cessation based on SGA (including CDR's)</b>  | 1  |
| <b>l. Work Related Overpayment</b>   | 6  |
| <b>m. Other (please describe each service request listed under m. Other)</b>   | 1  |
| <b>n. Total service requests.</b>  | 31 |

Please provide counts of individuals served by Primary Disability:

|   |    |
|---|----|
| a. Absence of extremities   |    |
| b. Autism   |    |
| c. Auto-immune (lupus, thyroid, ALS, etc.)  |    |
| d. Blindness (both eyes)  | 2  |
| e. Cancer   | 2  |
| f. Cerebral palsy   | 2  |
| g. Deaf-blind   |    |
| h. Deafness   |    |
| i. Diabetes   | 1  |
| j. Digestive disorders (chronic pancreatitis, esophageal stricture, fistulae, chronic liver, etc.)  | 1  |
| k. Epilepsy   |    |
| l. Genitourinary conditions (kidney, prostate, etc.)  |    |
| m. Hard of Hearing (not deaf)   |    |
| n. Heart and other circulatory problems including cardiovascular  | 1  |
| o. HIV/AIDS   | 1  |
| p. Mental illness (diagnosis according to DSM-IV)   | 6  |
| q. Mental retardation   | 1  |
| r. Multiple sclerosis   |    |
| s. Muscular dystrophy   |    |
| t. Muscular / Skeletal impairment (arthritis, fibromyalgia, osteogenesis imperfecta, osteomyelitis, etc.)                                   | 2  |
| u. Neurological disorders (brain tumors, convulsive disorders, Parkinson, etc.)   | 3  |
| v. Other emotional/behavioral ( <i>Provide detail</i> )   |    |
| w. Other intellectual such as ADD/ADHD ( <i>Provide detail</i> )  |    |
| x. Physical / orthopedic including spinal cord injuries, paraplegia, quadriplegia, back problems, etc. ( <i>Provide details if needed</i> ) | 1  |
| y. Respiratory disorders (emphysema, asthma, pulmonary hypertension, cystic fibrosis, etc.)   | 1  |
| z. Specific learning disabilities (SLD)   |    |
| aa. Speech impairment   | 1  |
| ab. Spina bifida  |    |
| ac. Substance abuse (alcohol or drugs)  |    |
| ad. Tourette syndrome   |    |
| ae. Traumatic brain injury (TBI)  | 1  |
| af. Visual Impairment (not blind)   | 3  |
| ag. Disability not known  |    |
| ah. Total individuals served.<br>( <i>Must equal count from Part I Section B-1c above.</i> )  | 29 |

## **PART II – CASE STATISTICS FOR CURRENT REPORTING PERIOD**

### **Section A: Satisfaction Surveys (Optional completion of Section A only)**

|  |    |
|--|----|
| 1. Number of Satisfaction Surveys requested  | 14 |
| 2. Number of responses received  | 2  |
| 3. Number of positive responses ( <i>Attach detail information</i> ) ( <i>client would use VOPA services again</i> ) | 2  |
| 4. Number of negative responses ( <i>Attach detail information</i> )   | 0  |

**Section B: Problem/Sub-Problem areas of closed service requests/cases** (*Note: One service request equals one problem / issue. A client may have multiple problems / issues. Items with an asterisk, require an attached explanation concerning how the problem/sub-problem affected employment.*)

|   |   |
|---|---|
| 1. [AT] Access to augmentative communication devices*   |   |
| 2. [AT] Access to durable medical equipment*  |   |
| 3. [AT] Access to other AT*   |   |
| 4. [AT] Access to vehicle modification/transportation*  |   |
| 5. [Education] Transition school to work  | 1 |
| 6. [Employment] Discrimination in employment benefits   |   |
| 7. [Employment] Discrimination in hiring  | 2 |
| 8. [Employment] Supported Employment  |   |
| 9. [Employment] Unlawful termination / firing   |   |
| 10. [Employment] Other employment discrimination  |   |
| 11. [Employment] Reasonable accommodation   |   |
| 12. [Employment] Service provider issues  | 1 |
| 13. [Employment] Wage and hour issues   |   |
| 14. [Financial Entitlements] SSI: Overpayments and work incentives  |   |
| 15. [Financial Entitlements] SSDI: Overpayments and work incentives   | 2 |
| 16. [Financial Entitlements] ( <i>assist beneficiaries in disputes before SSA involving work related program decisions, other than overpayments, that are clearly a barrier to obtaining employment</i> ) |   |
| 17. [Healthcare] Medicaid only issues   |   |
| 18. [Healthcare] Medicare/Medicaid issues   | 1 |
| 19. [Healthcare] Medicare only issues   |   |
| 20. [Healthcare] Insurance (access to private/denial of coverage)   |   |
| 21. [Housing] Accommodations in housing*  |   |
| 22. [Housing] Architectural barriers*   |   |

|   |    |
|---|----|
| 23. [Housing] Modifications in housing*   |    |
| 24. [Housing] Other housing issues*   |    |
| 25. [Housing] Rental denial*  |    |
| 26. [Housing] Rental termination*   |    |
| 27. [Housing] Subsidized housing/Section 8*   |    |
| 28. [Other] Architectural barriers (Title III)  |    |
| 29. [Other] Childcare   |    |
| 30. [Other] Government issues (inc. grievances against SSA) *   |    |
| 31. [Rehab Svcs] Communication problems (indiv/counselor)   |    |
| 32. [Rehab Svcs] Conflict about services to be provided   |    |
| 33. [Rehab Svcs] Individual requests information  |    |
| 34. [Rehab Svcs] Other Rehab Act-related problems   | 4  |
| 35. [Rehab Svcs] Private providers  |    |
| 36. [Rehab Svcs] Related to application/eligibility process   |    |
| 37. [Rehab Svcs] Related to plan development / implementation   |    |
| 38. [Rehab Svcs] Related to Title I of ADA [ this is a specific CAP problem area <u>not to be used</u> by PABSS as these issues are captured in 6, 7, 9, 10, and 11 above ] |    |
| 39. [Post-Secondary Ed] Physical accessibility  |    |
| 40. [Post-Secondary Ed] Programmatic accessibility  |    |
| 41. [Post-Secondary Ed] Funding issues  |    |
| 42. [Post-Secondary Ed] Grievance against college   |    |
| 43. [Post-Secondary Ed] Other support services  |    |
| 44. [Post-Secondary Ed] Other post-secondary education*   |    |
| 45. [Services] Personal assistance  |    |
| 46. [Transportation] Paratransit  |    |
| 47. [Transportation] Public transportation (non-paratransit)  |    |
| 48. [Transportation] Other transportation   |    |
| 49. [Benefits Planning] referral / access to BPAO services  | 1  |
| Total PABSS issues closed during reporting period   | 12 |

For Problem/subproblem areas with an asterisk ( \* ) describe the specific problem /complaint and its relationship to the beneficiaries return to work efforts as well as the number of cases covered under each problem area or complaint listed. Use separate sheets if necessary.

### Section C: Other Closed Service Request / Case Information

**1. What was the reason for closing the individual's service request?**

|  |    |
|--|----|
| a. Some issues resolved in client's favor  |    |
| b. All issues resolved in client's favor   | 13 |
| c. Request / Issue lacked legal merit  | 1  |
| d. Client decided not to pursue resolution or Individual Withdrew Complaint  |    |
| e. Other Representation Obtained (Client found other representation)   |    |
| f. Individual Not Responsive to Agency / Client refused to cooperate with P&A  | 3  |
| g. Services Not Needed Due to lost contact, Death, Relocation, etc.  |    |
| h. Advocacy efforts/appeals were unsuccessful (Issue not resolved in Client's Favor)   |    |
| i. Other ( <i>Attach detail information</i> ) these cases were transferred to other funding streams due to lack of PABSS funding | 12 |
| j. Total PABSS service requests / cases closed during reporting period   | 29 |

**2. What was the highest intervention strategy used?**

|  |    |
|--|----|
| a. Short term/ Technical assistance  | 6  |
| b. Informal resolution   | 2  |
| c. Investigation/Monitoring  |    |
| d. Negotiation   | 1  |
| e. Mediation / alternative dispute resolution  |    |
| f. Administrative remedies (incl. Administrative or Fair Hearings, EEOC investigation process, etc.) | 2  |
| g. Legal remedy / Litigation   |    |
| h. Class Action Suits  |    |
| i. Systemic / Policy activities **   |    |
| j. Total PABSS service requests / issues closed during reporting period                              | 24 |

**\*\*according to SSA's letter to PABSS in March 2002 "You must have a PABSS client whose employment potential is impacted before you take on larger systemic issues, like for example, your local para-transit authority". Please attach an explanation of the systemic/policy action taken here on behalf of a PABSS client. Use additional sheet if necessary.**



3. As a result of P&A intervention, the following major outcome was achieved: (Choose **ONE** outcome for each service request!)

|  |     |
|--|-----|
| a. Client gained / maintained access to services including those of VR, EN or other agency                         | 6   |
| b. Client obtained employment  |     |
| c. Client regained employment  |     |
| d. Client maintained employment  |     |
| e. Client advanced in employment   |     |
| f. Client's employment opportunities increased   | 2   |
| g. Client obtained an increase in salary and/or benefits   | 3   |
| h. Validity of discrimination complaint was upheld   |     |
| i. Overpayment situation addressed ( <i>it doesn't matter if it was waived or the efforts weren't successful</i> ) |     |
| j. Client acquired knowledge concerning his/her rights   | 2   |
| k. Outcome information is not available  | 4   |
| l. Other outcome ( <i>Attach detail information at the end of this section</i> )                                   | 12* |
| m. Total PABSS issues / service requests closed during reporting period  | 29  |

**\*For any cases listed under "Other Outcome," describe the outcome of the case and the number of cases covered under each outcome listed. Use separate sheets if necessary.**

**\*12 cases were transferred to other funding streams due to lack of PABSS funding**

### **PART III – ANNUAL NARRATIVE**

**Section A: Description of Progress and Status Update:** [Please provide a brief overview of overall project status, staff changes, staff training or other major developments with regard to the PABSS program. This could include information about boards and committees where decisions are made concerning disability service delivery and local policy.]

One of the Virginia Office for Protection and Advocacy's Disability Rights Advocates working under this grant secured a position with another state government agency (Department for the Blind and Vision Impaired) as a rehabilitation counselor. Although VOPA misses her and her fine work, we are pleased that she is in another state agency and is available to collaborate on behalf of individuals with disabilities. With the experience she gained at VOPA, she has voiced that this will increase her effectiveness as a rehabilitation counselor. The cases assigned to this staff have been re-assigned to other VOPA staff who have completed the BPAO/PABSS Training. The transition of cases went smoothly.

VOPA provides information and referral services to SSI/SSDI beneficiaries calling with questions regarding the Ticket to Work legislation and program implementation status in Virginia. Information has also been provided on issues relating to Medicaid 1619b

status and employment discrimination. The SSA approved Ticket to Work Fact Sheet has been distributed to these individuals and others.

In addition to providing case level advocacy and legal services, VOPA participates in a number of activities that support the effort to assist SSI/SSDI beneficiaries gain/sustain/maintain employment.

VOPA participates in the interagency Medicaid Buy-In Workgroup. Principal agencies are the Department of Medical Assistance Services (DMAS), the Department of Rehabilitative Services (DRS), and VOPA. Other agencies, including Social Security, the Department of Mental Health Retardation, and Substance Abuse Services (DMHMRSAS), and several local agencies are also participants. Representation on this Workgroup has been reassigned to the VOPA Policy Director.

VOPA offers trainings on the Ticket to Work Act.

VOPA represents people who have disputes with entities providing employment services.

VOPA provides technical assistance to people with employment discrimination complaints.

VOPA represents people who have had their SSI and SSDI benefits discontinued or reduced due to alleged overpayments.

VOPA developed publications regarding the rights of SSI/SSDI recipients who have had their benefits reduced or discontinued due to overpayment. However, they were not approved by SSA. We are exploring other options for publications/funding of the publications.

VOPA entered into an agreement with DRS ensuring that DRS will appropriately provide educational funding for SSI/SSDI recipients. Previously, DRS had improperly considered the resources of SSI/SSDI recipients, resulting in DRS clients being denied educational funding. VOPA investigated and found that DRS was violating federal law by doing so. VOPA demanded that DRS change its practice and, after settlement negotiations, DRS agreed to do so. VOPA has reviewed DRS' new policy and is of the opinion that it is in compliance with federal law.

VOPA continues to represent DRS clients, including those with brain injuries, HIV and mental illness, who have been denied appropriate employment services.

Other collaborative activities include the following:

- VOPA participates in the Virginia BPAO electronic listserv and the nationwide PABSS listserv.
- VOPA participates in teleconferences with BPAO staff throughout Region III.
- VOPA staff attended several PABSS-specific sessions at the annual conference of the National Association of Protection and Advocacy Systems (NAPAS).

## **Section B: Detail of Actions Taken on the Project:**

**1. Case Summaries:** [Please provide summaries of three cases undertaken as part of the PABSS project. Indicate clearly the issue or problem, the PABSS intervention, and the results if known]

VOPA filed an appeal of a decision finding a client ineligible for Impairment Related Work Expenses (IRWEs). After an administrative hearing, the Hearing Officer found in the client's favor with regard to all three of the IRWEs we appealed.

A client is being released from a mental facility after several years there. He receives SSDI, and has an overpayment issue. We have intervened to ensure that the discharge plan established for this client does not involve a forfeiture of social security benefits or a scenario whereby he would lose Medicaid eligibility. This is an ongoing case.

A client has been assessed an overpayment, and he insists he notified the social security administration when he returned to work. We are reviewing his file to assess his eligibility and overpayment, and will assist him in negotiating a repayment if necessary.

VOPA represented a woman she had been found ineligible for SSI/SSDI benefits. VOPA filed an appeal of the decision. After a trial, the Judge found in the client's favor and found her eligible for benefits.

VOPA represented 9 people who had their SSI/SSDI benefits reduced or discontinued due to overpayment.

VOPA represented a client whose case was opened due to an overpayment. Social Security Administration informed the client that he owed \$8,464.00 due to an overpayment. They failed to consider that RP had Impairment Related Work Expenses and Subsidies. VOPA attained and provided documentation of these Work Incentives. Based on VOPA's work, the overpayment has been reduced from \$8,464.00 to \$1,998.00. VOPA is continuing to work on this case in the hope of erasing the overpayment in its entirety.

**2(a). Other Activities Statistics:** Please provide quantitative details of outreach and presentation activities offered to consumers and other groups, newsletter articles or other

media events, informational materials developed or other activities undertaken as part of the PABSS project.

**Total Number of Outreach/Presentations** \_\_\_\_\_

**Total Number of Persons Reached by Outreach/Presentation Events** \_\_\_\_\_

**Total Number of Outreach/Presentations** **9**

**Total Number of Persons Reached by Outreach/Presentation Events** **264**

**Other Information Dissemination Activities:**

- Radio/TV appearances by PABSS staff **1**
  - Newspaper/Magazine/Journal articles prepared by staff (attach copy ) **4**
  - PSAs/videos/films aired by the Agency \_\_\_\_\_
  - Reports disseminated \_\_\_\_\_
  - Publications/Booklets/Brochures disseminated **2494**
  - Number of Website hits **19733**
  - Other media activities (describe) \_\_\_\_\_
- Newspaper/Magazine/Journal **1** *Virginia Lawyer*

**External Media Coverage of PABSS Activities**

| Radio/TV Coverage | Newspaper/Magazines/Journal | PSAs/Videos | Publications/Booklets/Brochures |
|-------------------|-----------------------------|-------------|---------------------------------|
| <b>1*</b>         |                             |             |                                 |

\*PABSS staff participated in a local radio station's program on recent developments in educational law. It was a "point-counterpoint" format with a representative from Virginia's Department of Education. Within the discussion about transition, PABSS staff addressed the necessity of benefits planning for students with disabilities.

**2(b). Other Activities Narrative:** [Describe the agency's outreach efforts. Describe the trainings presented by the staff including information about the topics covered, the purpose of the training, and a description of the attendees. Describe media events, informational materials developed or other activities undertaken as part of the PABSS project. Do not repeat information that was previously reported in another section] Use separate sheets if necessary.

VOPA provides "Office Hours" at several Centers for Independent Living across the State. Staff provides consumers with information about VOPA in general and our efforts under PABSS as well.

VOPA maintains a website that posts all of our federal grants' priorities, goals, and objectives, including TBI. This website also has the notices for the Board of Directors' and VOPA's Advisory Councils meetings. Job vacancies, announcements, VOPA publications, quarterly newsletters, and disability-related links are also available

The VOPA newsletter mailing list was reviewed and updated to better reflect inclusion of underserved populations. It has been updated to include more consumer and family representation. In addition, other advocacy entities have been added. The newsletter mailing list is not a static work product; VOPA considers it to be an on-going project that will consistently be reviewed and updated to best reflect the disability communities in Virginia.

VOPA routinely provides training and speaking engagements through our Speakers Bureau. This is VOPA staff being available to provide training and presentations that are related to the Office's current Goals/Focus areas/Objectives (priorities). VOPA also provides exhibits and/or materials for fairs, conferences, and other functions. VOPA's Speakers Bureau has been busy over the past year. Whenever a presentation is conducted about VOPA in general, it addresses some of the work we do related to work incentives and Social Security issues. In particular, our presentations related to special education/transition services and Medicaid may be helpful to Social Security Beneficiaries.

**Section C: Diversification activities:** [Please provide a description of activities undertaken to address the needs of individuals with disabilities from diverse ethnic and racial communities.]

VOPA is fortunate to have developed a representative committee that reflects the disability and Spanish Speaking communities and is assisting with implementing a planful, strategic outreach effort. Representatives from the VOPA Advisory Councils have been recruited to join this effort. The Committee has developed an outreach plan to be implemented in August 2005. The plan will mirror the current FY05 Goals and Focus Areas in many respects. VOPA has begun the general education process by meeting with the Limited English Speaking Program in Richmond to discuss VOPA's mission and services. VOPA has also met with the Governor's Latino Advisory Commission Liaison to discuss the findings of the Latino Advisory Commission's report on the needs of the Latino community in Virginia. VOPA made a radio appearance for WRIR (97.3 FM), a newly created independent radio station in Richmond which provides many public interest shows targeted at the Spanish-speaking community in Richmond. One of the challenges related to providing outreach to Spanish speaking communities is that VOPA does not have any Spanish speaking staff even though we are actively recruiting for bi-lingual/bi-cultural staff.

VOPA experienced some staff changes in key positions related to outreach and publication development. This has been recognized and the outreach advocate position is being re-evaluated in relationship to the needs of the overall agency.